

Response to Request for Marked-up Original Drawings

In section 3 of the Final Office Action mailed on 5 November 2003, the Examiner requested that a new master copy of the drawing figures with all of the necessary changes be submitted. The requested new master set of drawings is appended to this submission along with a set of annotated marked-up drawings detailing the changes.

Response to Objections to Drawings

In section 4 of the Final Office Action mailed on 5 November 2003, several objections to the drawings were raised. Each of these objections has been addressed as follows:

- as suggested, prime marks have been used to denote variations in particular structural elements between exemplary embodiments,
- the reference numeral 55 has been deleted from Figures 8 and 10, and
- the usage of the elements "opening 41" and "aperture 44" and the respective primed versions of their reference numerals has been made consistent throughout the text and the drawings.

Response to Objections to Format of Amendment

In section 5 of the Final Office Action mailed on 5 November 2003, it was pointed out that the text was not underlined in two new paragraphs added in the previous response. It is respectfully noted that the instructions posted on the Office's web site relative to the revised amendment practice explicitly state that "Newly added paragraphs or sections...must not be underlined." (Underlining added for emphasis.) (From Paragraph II.B. of *Office Flyer: Amendments May Now be Submitted in Revised Format* [PDF] (posted 30 June 2003)) It is also respectfully noted that this instruction is consistent with 37 CFR § 1.121(b)(iii) as revised. Accordingly, it is believed that no action is necessary with respect to the format of the two added paragraphs.

It was also pointed out in the Final Office Action mailed on 5 November 2003 that the newly written Abstract in the previous response did not contain stricken through and/or underlined text. It is respectfully noted that the instructions posted on the Office's web site relative to the revised amendment practice explicitly state that "[i]f the Abstract is being substantially rewritten, submit a new abstract in clean text (no markings) accompanied by an instruction for the cancellation of the previous abstract." (From Slide 38 of *Slide Set: Revised Amendment Format 37 CFR 1.121* [text version] (presented 25 September 2003; posted 10 October 2003)) It is also respectfully noted that the submission of a new Abstract in whole is apparently to be treated like a submission of a new

paragraph and that this treatment is not inconsistent with 37 CFR § 1.121(b)(iii) as revised. Accordingly, it is believed that the only action necessary with respect to the Abstract is its submission on a separate sheet, which action has been taken in the present submission.

Response to Objections to Disclosure

The following actions have been taken to address the four numbered "informalities" pointed out in section 6 of the Final Office Action mailed on 5 November 2003.

- 1) The Summary of the Invention has been amended to recite that the backsheet comprises a web and is substantially liquid impervious except at at least one discontinuity in the web and thereby conform its description to that found in Claims 11 and 33 as amended in the present submission.
- 2) Several paragraphs of the written description have been amended to make all of the designations of structural elements consistent with their identifications in the drawings as amended.
- 3) The word "reusable" has been deleted in accordance with the Examiner's suggestion.
- 4) The wording of independent Claim 11 has been amended to delete the adjectival description of the backsheet as substantially fluid impervious and to instead recite that the backsheet comprises a web and is substantially liquid impervious except at a first discontinuity in the web, thereby eliminating any possible inconsistency relative to the backsheet being described as being fluid impervious yet comprising a discontinuity. Also, a paragraph on page 12 of the specification as originally filed has been amended to delete the potentially confusing recitation that such a discontinuity in the backsheet makes the backsheet liquid pervious in the area of the discontinuity and to instead recite simply that the discontinuity in the particular embodiment forms an aperture. Similarly, a paragraph on pages 13 and 14 of the specification as originally filed has been amended to delete the potentially confusing recitation that closing a flap over such a discontinuity makes the backsheet impervious to fluids.

Response to Objection to New Matter

In section 7 of the Final Office Action mailed on 5 November 2003, an objection was raised with respect to a portion of the amendments to the specification submitted in July 2003 on the basis that this portion introduces new matter into the disclosure. This portion was identified as "[t]he amendments to page 12, line 24, lines 4 et seq thereof" and this identification was clarified in the Advisory Action mailed on 21 January 2004 to refer to "lines 4 et seq of the amendments to page 12, line 24". This clarification is appreciated.

The objection is respectfully traversed on the ground that no new matter is, in fact, introduced by the amendment. To demonstrate this, each of the questions and comments in section 7 of the Office Action will be addressed in sequence.

It was asked "where is it disclosed that a component when not replaced or not removed is "made" nonremovable or nonreplaceable as now set forth, i.e. can not be removed rather than capable of removal or nonremoval and not removed, i.e. immobilized?"

The relevant definition of the term "make" is "to cause to be or become" (Merriam-Webster® online dictionary). The term "render" can have the same meaning (*ibid.*) and it might be useful to keep the term "render" in mind when reading the added paragraphs. Thus, to *make* a core component non-removable is to *cause it to be or become* non-removable, i.e., to *render* it non-removable. It has never been contended that components of the absorbent core are made non-removable by the mere fact that they are "not replaced or not removed". Instead, as stated in the second new paragraph, components of the absorbent core may be made non-removable from the chassis by being secured, attached, affixed, and/or sandwiched to or in the chassis, as described in the incorporated references. The listing in the new paragraphs of ways in which components may be made non-removable is merely a statement of fact made in reference to the disclosures of the incorporated references. This listing is not new matter any more than any other summary, description, restatement, rephrasing, or paraphrase of the disclosure of an incorporated reference is new matter.

As for the applicability of the listed ways of making a core components non-removable in the present invention, it is noted that an example of such immobilization is described in the specification as originally filed on page 12 at lines 11 and 12, where it is recited that "[t]opsheet 61 may...be adhered to the absorbent core", thereby providing a description identical to one of the examples in the incorporated Buell '003 patent and to one of the examples in the incorporated Osborn '264 patent.

It is noted that the referenced example on page 12 of the specification as originally filed clearly does not mean that the topsheet may be adhered to the entirety of the absorbent core, for this would contradict the description of specific core components as being removable and replaceable. Instead, as is clear by reference to the entirety of the disclosure, including the drawings, if the topsheet is adhered to the absorbent core, it is not adhered to any core component that is removable, but instead is adhered to a core component that is never described as being removable,

such as the center section of the absorbent core. See, for example, Figures 1 through 5 and 7 through 13, where the center section is clearly shown disposed on the side of the core that contacts the topsheet. See, in particular, Figures 8 and 10, in which the topsheet is shown in spatial relation to the core components. See the numerous consistent and clear references within the specification to the front panel and back panel being removable and replaceable, while the center section is never at any point described as being removable or replaceable. Also, consider the description in the incorporated DesMarais *et al.* '345 patent that a core component may be affixed in the crotch area of the chassis, in conjunction with the center section being clearly described and shown in the subject Application as extending through the crotch area but the front panel and the back panel not being described or shown as extending through the crotch area.

In addition, the recitation that

"[t]he absorbent core comprises at least one, and preferably a plurality, of core components which are removable, with access for removal provided by at least one discontinuity forming an opening in the backsheet. Once removed, other absorbent core components or layers of components may remain in the absorbent article" (page 3, lines 31-35 of the specification as originally filed; underlining added for emphasis)

is clearly consistent with the notion that some components of the absorbent core may be made non-removable in any of the ways disclosed in the incorporated references while other components, *e.g.*, the front panel and the back panel, are removable and replaceable.

Similarly, the recitation that

"[a]s one back panel member becomes saturated by absorption of fluid from center section 50, it may be removed, thereby exposing a substantially dry, fresh back panel member 35 for additional absorption from center section 50. In this manner, the absorbent article may be refreshed or regenerated for a prolonged period of time without removal from the wearer" (page 9, lines 2-6 of the specification as originally filed; underlining added for emphasis)

is clearly consistent with the notion that the center section always remains in the chassis while other components, *e.g.*, the front panel and the back panel, are removable and replaceable.

The fact that the non-removable disposition of a specific core component, *e.g.*, the center section, is not explicitly and repeatedly stated in the subject Application is reflective of the fact that the inventors are building upon the foundation of the work disclosed in the incorporated references, in which the entire absorbent core is typically non-removably disposed in the absorbent article.

Hence the explicit and repeated emphasis on the removable and replaceable nature of specific core components in the absorbent articles of the present invention. Being skilled in the art, the inventors did not think it was necessary to point out the obvious, namely that their present invention is different from the results of the referenced work in that particular components that were previously non-removably disposed along with all of the other core components are now removable and replaceable. It is respectfully averred that although this obvious fact is not explicitly and repeatedly stated, a fair reading of the entirety of the disclosure of the present invention precludes any other conclusion. In support of this averral, it is pointed out that the lead inventor of the present invention, Mr. Gary LaVon, is a co-inventor on several of the incorporated references and clearly understands both their disclosures and the present invention.

In hindsight, it might have been preferable to explicitly and repeatedly list one or more core component(s) as being "non-removable". However, holding that the failure to do so somehow negates the clear intention of the explicit references to relevant disclosures of non-removable core components in combination with the explicit and repeated emphasis on the removable and replaceable nature of specific core components in the absorbent articles of the present invention would be tantamount to penalizing the present inventors for being less than expert lexicographers and/or for failing to anticipate an expectation that they restate what was the obvious background for the description of their present invention at the time of filing the subject Application in 1997.

It is also respectfully noted that the Summary section as amended in March 2000 explicitly recites that the absorbent core comprises a non-removable absorbent core component. The fact that no objection to this amendment of the Summary section has been found in the file of the subject Application leads to the conclusion that the Examiner accepted the terminology nearly four years ago.

It was asked "Where are DesMarais '345 and Osborn '264 incorporated with regard to the core attachment as set forth?"

The Desmarais *et al.* '345 patent and the Osborn '264 patent describe core materials, core structures in which those materials are used, and absorbent articles in which those core structures are used. In the subject Application, these references are incorporated by statements of incorporation located in and around descriptions of core materials and core structures that form part and parcel of the description of absorbent articles in which those materials and structures are used. The mere fact that each statement of incorporation was written into a specific paragraph relating to core materials does not limit the scope of their incorporation. Instead, each

reference was incorporated in its entirety and all portions of each reference are available, *i.e.*, neither reference was incorporated only with regard to a particular topic.

It was noted that "any response should include specific reference to the page and line number where support for the added material can be located".

It is respectfully noted that it is unclear whether this statement was meant to apply to the subject Application or to the incorporated references. Since the incorporations of the references are clearly stated in the subject Application, the locations in the incorporated references of the descriptions of the core components being made non-removable are provided in this submission.

In the DesMarais *et al.* '345 patent, the structure of an absorbent article in which the absorbent structure (*i.e.*, core) is affixed in the crotch area of a chassis is described in column 26 at lines 51-59, where the following is recited.

Another preferred type of absorbent article which can utilize the foam absorbent structures of the present invention...will generally include a nonwoven, flexible substrate fashioned into a chassis in the form of briefs or shorts. An absorbent foam structure according to the present invention can then be affixed in the crotch area of such a chassis in order to serve as an absorbent "core".

Also, in column 27 at lines 21-24 of the DesMarais *et al.* '345 patent, the following is recited.

Affixed to the crotch area of the article is a generally rectangular absorbent core 65 comprising an absorbent foam structure of the present invention.

In the Osborn '264 patent, the attachment of the absorbent core to adjacent members such as the topsheet or the barrier sheet (*i.e.*, backsheet) is described in column 4 at lines 36-42, where the following is recited.

The absorbent core 34 may be attached over the core's first or second major surfaces 46 and 49, respectively, to adjacent members such as the topsheet 25 and barrier sheet 16 by any of the means well known in the art, such as by spray-gluing or lines or spots of adhesive.

It was stated that the remarks in the last paragraph on page 19 of the previous response were "deemed non-persuasive in that the incorporated references do not teach the added specifics with regard to the components of the instant absorbent since they do not teach components which are removable/nonremovable."

It is respectfully noted that the intended meaning of the term "removable/nonremovable" is unclear, given that the slash mark (/) is sometimes used to indicate "and" and is sometimes used to indicate "or". Is the intended meaning removable and nonremovable, as in "the references do not teach both removable components and nonremovable components"? Or, is the intended meaning removable or nonremovable, as in "the references do not teach components that are individually alternatively removable or nonremovable?

With respect to the former interpretation, it is respectfully averred that the failure of the incorporated references to teach both removable core components and non-removable core components merely serves to highlight the novelty of the present invention and to justify the inventors' omission of the obvious, as discussed above.

On the other hand, the latter interpretation merely leads back into the previously discussed notion that the present invention is not concerned with a mere choice of whether or not to remove a core component, but with a core component that is removable and replaceable being disposed in fluid communication with another core component that is non-removable and so remains within the chassis of the absorbent article.

It was noted that "page 3, lines 13-21 are not limited to only the second and third components being removable or replaceable but rather "absorbent core components", i.e. includes the first component also."

It is respectfully noted that the quoted phrase appears in only one sentence at lines 13-16 and does not appear in the sentence at lines 17-21. Accordingly, it is presumed that the intended reference was to the sentence at lines 13-16.

First, it is noted that the referenced sentence appears at the end of the Background section among a series of statements of "desirable" objectives serving to point out failings of the prior art references described immediately above the reference sentence and does not appear in the Summary or the Detailed Description of the present invention.

Second, it is respectfully averred that the proposed interpretation is neither an accurate reading nor a fair interpretation of the complete sentence in which the cited phrase appears. The complete sentence reads as follows:

Accordingly, it would be desirable to have an absorbent article that has removable or replaceable absorbent core components wherein the absorbent core components can be removed or replaced without having to remove the absorbent article from the wearer.

Specifically, it is averred that it is grammatically clear that the second occurrence of the quoted phrase "absorbent core components", which occurrence is preceded by the definite article "the", refers back to the first occurrence of the same phrase in the same sentence, to which the adjectival modifiers "removable" and "replaceable" are appended. In other words, *the* absorbent core components that can be removed or replaced without having to remove the absorbent article from the wearer are the *removable or replaceable* absorbent core components recited earlier in the same sentence.

On the other hand, the proposed interpretation erroneously reaches out to arbitrarily encompass all of the absorbent core components described everywhere in the subject Application in the category of *removable or replaceable* absorbent core components. This is neither the plain meaning nor a reasonable interpretation of the language used in the referenced sentence.

Response to Claim Rejections Under 35 U.S.C. § 112, second paragraph

In section 8 of the Final Office Action mailed on 5 November 2003, all of the pending claims were rejected under 35 USC § 112, second paragraph, and it was indicated that the description of the backsheet in independent Claim 11 appeared to the Examiner to be inconsistent, in that the backsheet was described as being fluid impervious yet comprising a discontinuity. In this submission, Claim 11 has been amended to delete the adjectival description of the backsheet as substantially fluid impervious and to instead recite that the backsheet comprises a web and is substantially liquid impervious except at a first discontinuity in the web. It is respectfully averred that one of skill in the diaper art can readily appreciate that a web made of a substantially liquid impervious material may have a discontinuity, such as an aperture as described in the specification, and that the amended description of the backsheet in Claim 11 contains no possible inconsistency. Thus, the rejection of Claim 11 and the rejections of the other pending claims that depend from Claim 11 have been obviated. Accordingly, it is respectfully requested that the rejections under 35 USC § 112, second paragraph, be reconsidered and withdrawn.

Comments on Claim Language Interpretation

In section 9 of the Final Office Action mailed on 5 November 2003, a number of statements were made with regard to the claim language. Several of these statements will be addressed in sequence.

It was "noted that the first core component is not limited to a single acquisition layer and a single acquisition/distribution layer and that the acquisition layer is not limited to only an acquisition function, i.e. could be another acquisition/distribution layer."

It is respectfully noted that the latter portion of this statement, *i.e.*, the statement that "the acquisition layer is not limited to only an acquisition function, *i.e.* could be another acquisition/distribution layer", is not suggested by the words in the claim, itself. It is not known from where this conjecture might have arisen nor is its relevance understood. If a specific response to this statement is required, a clarification of the basis for the statement and of its relevance is requested, so that a response on that basis can be provided.

It was "noted that the components as claimed are not required to be different inserts but could be parts of the same insert or different inserts."

It is respectfully noted that the noun "insert" does not appear anywhere in the Summary, Detailed Description, Claims, or Abstract of the subject Application. In fact, the only occurrences of this noun are found in the description of a prior art product in the Background section. Thus, the term "insert" is not part of the claim language whose interpretation was addressed in section 9 of the Final Office Action mailed on 5 November 2003 and the relevance of the statement containing the term is not understood.

As for the claimed components, it is respectfully averred that the claim language is clear in conveying that one component is non-removably disposed and the other component or components is or are removable and replaceable, thus precluding the former and the latter both being parts of the same element.

It was stated that "as claimed the first component still could or could not be removable because the claim does not require the first component being made nonremoval [sic: non-removable?] or immobilized and the specification at, for example, page 3, lines 13-16 and page 12 does not require structure preventing nonremoval [sic: removal?], *i.e.* it can be a capability rather than a structural limitation since removal is determined by the user who can or cannot remove as desired as there is no structure claimed which prevents removal."

It is respectfully presumed that the intended wording was as indicated within the above brackets and this submission is written on that basis.

It is respectfully pointed out that the claim language explicitly recites that the first core component is non-removably disposed in the claimed article, thereby precluding the interpretation that it is a matter of choice to remove or not remove that core component. Furthermore, as discussed at length in the previous response and in the present submission, several ways of non-removably disposing a core component are clearly laid out in the incorporated references, with one of those ways also being explicitly recited in the specification of the subject Application as originally filed. It is averred that it is not necessary to recite each of those several ways in the claim and that it is proper to use the descriptive term "non-removably disposed" to encompass those several ways. It is also averred that the term "non-removably disposed" is, in fact, a structurally descriptive term whose meaning is clear to one of skill in the art, especially in light of the specification and the references incorporated therein.

In addition, as discussed above with respect to **section 7** of the Office Action, the referenced text of page 3 at line 13-16 appears at the end of the Background section among a series of statements of "desirable" objectives serving to point out failings of the prior art references described immediately above the reference sentence and does not appear in the Summary or the Detailed Description of the present invention.

Because the referenced text on page 12 is not identified by line number, it is not known which text on page 12 was intended. However, if the intended reference was to the paragraph bridging from page 12 onto page 13, in which it is stated that the topsheet, the backsheet, and the absorbent core may be assembled in a variety of configurations, it is respectfully pointed out that in that short paragraph, several references in which the absorbent core is non-removably disposed are referenced and incorporated.

Comments on Statement of Allowable Subject Matter

In **section 10** of the Final Office Action mailed on 5 November 2003, it was stated that the claims patentably distinguish over the prior art references. It is respectfully noted that the claims so distinguish for reasons beyond those stated in **section 10**, as discussed in detail in the previous response submitted in July 2003 and elsewhere in previous responses in the file of the subject Application.

Comments on Content of Advisory Action Mailed on 21 January 2004

In the Advisory Action mailed on 21 January 2004, several statements were made with respect to the After Final Response submitted on 5 January 2004. These statements will be addressed in sequence.

It was indicated that the proposed amendments would not be entered because they raise new issues that would require further consideration and/or search and, in particular, that the "proposed amendment to Claim 11...changes the scope of the claims".

It is respectfully averred that the previously proposed amendment of Claim 11 did not raise a new issue. Instead, the previously proposed amendment merely reflected the Examiner's statement in section 6, item 4 of the Final Office Action mailed on 5 November 2003, which statement was taken to be a suggestion regarding what would be considered to be an acceptable modification of the claim. Apparently, this was not what was intended by the Examiner.

In addition, it is averred that the present amendments of Claim 11 and of Claim 33 do not raise new issues, but instead merely clarify the wording of these claims to better express what it has been attempted several times to express. Furthermore, it is respectfully averred that the Examiner has previously clearly understood what has been intended, as evidenced by, for example, the statements in section 6, item 4 and the Statement of Allowable Subject Matter in the Final Office Action mailed on 5 November 2003. In particular, several attempts have previously been made to express the concept of a backsheet that is liquid-impermeable except where a discontinuity, e.g., an aperture, exists in it. *It is sincerely hoped that the present wording will be accepted on this basis, rather than being viewed as raising a "new" issue, especially in light of the earlier statements revealing the Examiner's understanding of what it is intended to express.*

With respect to the above statement that the proposed amendment of Claim 11 "changes the scope of the claims", reference was made to MPEP 2163.06(I), first full paragraph, last sentence.

It is noted that the referenced "last sentence" cannot stand alone, but must be read in context in order to be comprehensible. Together, the referenced sentence and the sentence immediately preceding it read as follows:

If new matter is added to the claims, the examiner should reject the claims under 35 U.S.C. 112, first paragraph – written description requirement. *In re Rasmussen*, 650 F.2d 1212, 211 USPQ 323 (CCPA 1981). The examiner should still consider the subject matter added to the claim in making rejections based on prior art since the new matter rejection may be overcome by applicant.

It is respectfully noted that the previously proposed amendment to Claim 11 contained no "new matter...added to the claim". Also, no identification of or allegation related to an addition of new matter to the claim was made in the Advisory Action. In addition, no rejection under 35 U.S.C. 112, first paragraph – written description requirement has been made. Therefore, this reference to MPEP 2163.06(I) is not understood. Furthermore, it is not known what action is expected in response to it. *The necessary clarification is respectfully requested.*

It was "noted that only annotated sheets of proposed drawing changes were received in the file, i.e. no replacement sheet of Figures as required by Revised 37 CFR 1.121 were received."

Unfortunately, reliance was placed on the "either/or" wording of the second sentence of section 3 and the penultimate sentence of section 4 of the Final Office Action mailed on 5 November 2003, which sentences respectively read as follows:

A proper drawing correction or corrected drawings are required in reply to the Office action...(underlining added).

A proposed drawing correction or corrected drawings are required in reply to the Office action... (underlining added).

Thus, as stated in the After Final Response, only proposed drawing corrections were submitted, with the intention of obtaining approval of all of the changes to the drawings prior to expending the effort to generate yet another set of "clean" drawings. This approach appeared to be acceptable to the Examiner, based on the twice-repeated wording in the Final Office Action that is quoted above. In addition, it also seemed reasonable in light of the mutual acknowledgement, explicitly stated in the Final Office Action, of the level of confusion that has developed with respect to the drawings over the nearly seven years during which the subject Application has been pending.

Nevertheless, a set of "clean" replacement drawing sheets has now been generated and accompanies this submission, along with a set of annotated marked-up drawings.

It was stated that "Applicants [sic] remarks, e.g. at page 36, lines 9-12, in the 1-8-04 response have been considered but are deemed nonpersuasive, e.g. in light of the original specification at page 3, line 22-26 [sic], page 5, lines 33-34, page 7, lines 33-36, page 16, lines 20-24, page 17, lines 11-14."

It is believed that laying out the referenced remarks and the cited text of the original specification will be helpful for the comprehension of the following response to the above statement.

Referenced Remarks

It is assumed that the reference to remarks at page 36, lines 9-12, in the After Final Response was intended to refer to the single complete sentence contained within those lines. This sentence reads as follows:

See the numerous consistent and clear references within the specification to the front panel and back panel being removable and replaceable, while the center section is never at any point described as being removable or replaceable.

Although no definite point was stated in the above-quoted underlined statement in the Advisory Action, based on the content of the referenced remarks quoted above, it is assumed that the statement underlined above might have been intended to support the Examiner's contention that all of the absorbent core components are or must be removable and replaceable. It is not known why this particular single sentence was chosen from among the six sentences in the same paragraph or from among the several pages of argument. However, based on this apparent relation, this submission will address that apparent contention. If the intended reference, allegation, or contention has been misunderstood, the necessary clarification is respectfully requested.

It is respectfully noted that the statement underlined above includes two occurrences of "e.g.", standing for *exempli gratia* (for example), thus making it impossible to definitely determine precisely what allegation was intended or precisely what response is needed to that indefinite allegation. It is also most respectfully noted that the indefiniteness of the statement makes it very difficult for the applicants to carry their share of the burden of addressing every point raised by the Examiner because a "for example" reference to single sentence in an argument "in light of" several "for example" portions of text essentially blankets a multitude of possible combinations and permutations instead of providing the information necessary to either identify or respond to any particular point.

Nevertheless, a sincere attempt has been made to respond as if the single sentence of the argument had been definitely referenced and as if the five portions of text had been definitely cited, i.e., as if the dual recitations of "e.g." had been omitted, because this is the only available information on which a response can be based.

Cited Text of Original Specification

From page 3, lines 22-26:

Further, it would be desirable to have an absorbent article with a continuous backsheet affixed to a topsheet about a periphery that has removable or replaceable absorbent core components disposed between the topsheet and backsheet, such that access to absorbent core components is provided by separating the topsheet and backsheet in a predetermined area to form an opening.

It is respectfully averred that the above text is perfectly consistent with the referenced remarks. Furthermore, this text does not in any way indicate or require that all of the absorbent core components are or must be removable or replaceable. It is also noted this particular sentence describes an embodiment that is not presently being claimed. Also, it is respectfully pointed out that the above text does not recite that the absorbent article has only removable or replaceable absorbent core components or that access to all absorbent core components is provided by separating the topsheet and backsheet, as the Examiner's contention would require.

From page 5, lines 33-34:

As used herein, the term "absorbent core component" refers to one of a plurality of absorbent core pieces in a multi-piece absorbent core.

It is respectfully averred that the above text is perfectly consistent with the referenced remarks. Furthermore, this text does not in any way indicate or require that all of the absorbent core components are or must be removable or replaceable. In fact, this text is merely a definition of a term. Also, it is respectfully pointed out that the above text does not recite absorbent core pieces all of which are removable or replaceable, as the Examiner's contention would require.

From page 7, lines 33-36:

By replacing absorbent components, particularly absorbent components that are primarily suited for storage/redistribution, the use of the absorbent article, such as disposable diaper 60, may be prolonged while continuing to draw moisture away from the wearer's skin.

It is respectfully averred that the above text is perfectly consistent with the referenced remarks. Furthermore, this text does not in any way indicate or require that all of the absorbent core components are or must be removable or replaceable. In addition, it is respectfully noted that the

Submission dated 5 February 2004

Submitted with Request for Continued Examination

distinction between absorbent components and absorbent members is clearly spelled out in the subject Application and this text clearly recites "absorbent components that are primarily suited for storage/redistribution", not absorbent members that certain absorbent components comprise. Also, it is respectfully pointed out that the above text does not recite replacing all absorbent core components and members or particularly all absorbent core components and members that are primarily suited for storage/redistribution, as the Examiner's contention would require.

From page 16, lines 20-24 [actually, lines 20-25]:

The number and placement of strips **51** or **52** of generally rectilinear center section **50** may be varied to achieve desired characteristics such as thinness, softness, flexibility, or beneficial fluid acquisition, distribution, and storage rates. For example, FIG. 12 shows in cross-section an embodiment using one acquisition/distribution strip **52** and one storage/redistribution strip **51**, both placed over front and back storage/redistribution panels **20** and **30**, resulting in a thin, flexible absorbent core **10**.

It is respectfully averred that the above text is perfectly consistent with the referenced remarks. Furthermore, this text does not in any way indicate or require that all of the absorbent core components are or must be removable or replaceable. Instead, this text merely describes one of several exemplary embodiments. The mere fact that this exemplary embodiment has a storage/redistribution strip in the center section does not indicate or require that the center section is or must be removable or replaceable. On the contrary, this description is merely consistent with the description throughout the specification that a multi-layer center section may have layers having different characteristics in order to move liquid between the layers of the center section itself and between the center section and the front and back panels. In other words, the center section of the absorbent core, which is an absorbent component, may comprise a layer, i.e., a member, that is suited for storage/redistribution.

In addition, the remainder of the same sentence quoted above recites that the front and back panels, which are disclosed to be absorbent components, are "storage/redistribution panels", thus explicitly identifying the front and back panels as being "absorbent components that are primarily suited for storage/redistribution", and thereby clearly grouping them consistently with the cited text on page 7 at lines 33-36. Also, it is respectfully pointed out that the above text does not recite that the center section or the storage/redistribution strip is removable or replaceable merely

because the strip has storage/redistribution characteristics, as the Examiner's contention would require.

From page 17, lines 11-14:

As described above, the absorbent core 10 comprises a plurality of discrete components, each component may comprise discrete members, each capable of having distinct fluid acquisition, acquisition/distribution, or storage/redistribution characteristics.

It is respectfully averred that the above text is perfectly consistent with the referenced remarks. Furthermore, this text does not in any way indicate or require that all of the absorbent core components are or must be removable or replaceable. In fact, this text specifically recites that each discrete absorbent core component may have "distinct fluid acquisition, acquisition/distribution, or storage/redistribution characteristics", and thus merely further supports the clear fact that applicants have disclosed a multi-piece absorbent core having various components that may have different characteristics, without disclosing anything in particular regarding the removability or replaceability of any component(s). Also, it is respectfully pointed out that the above text does not recite a plurality of discrete components all of which are removable and replaceable or discrete members each of which is removable and replaceable, as the Examiner's contention would require.

Cited text does not support "conclusion" even when combined

Even when combined, the five cited portions of text disclose only that:

- as Background information, "it would be desirable to have an absorbent article...that has removable or replaceable absorbent core components disposed between the topsheet and backsheet",
- the term "absorbent core component" refers to "one of a plurality of absorbent core pieces in a multi-piece absorbent core",
- it is a principle of the present invention that by "replacing absorbent components, particularly absorbent components that are primarily suited for storage/redistribution, the use of the absorbent article, such as disposable diaper 60, may be prolonged while continuing to draw moisture away from the wearer's skin",
- one exemplary embodiment has a storage/redistribution strip in the center section of its multi-piece absorbent core , and

- each of the discrete components of a multi-piece absorbent core may have "distinct fluid acquisition, acquisition/distribution, or storage/redistribution characteristics".

It is respectfully averred that one of skill in the art would not be led by the above to conclude that all of the absorbent core components of the present invention are and must be removable and replaceable.

"Conclusion" is belied by the referenced text

Furthermore, the apparent "conclusion" that all of the absorbent core components are and must be removable and replaceable is belied by the very portions of the text cited in the Advisory Action.

In general, none of the referenced portions of the text, nor any other portion of the disclosure, indicates or requires that all of the absorbent core components are or must be removable or replaceable.

Specifically, the recitation on page 7 at lines 33-36 of "replacing absorbent components, particularly absorbent components that are primarily suited for" something clearly and unequivocally discloses the inventors' concept of making particular components, rather than all of the components, removable and replaceable, in order to provide the stated benefits of prolonging the use of the absorbent article "while continuing to draw moisture away from the wearer's skin". It is not understood how the meaning of this sentence could be made more clear, nor is it understood how its clear meaning could possibly be misconstrued to the extent necessary to decide that it somehow supported the conclusion that all of the absorbent core components are and must be removable and replaceable. It is likewise not understood why this sentence would be taken out of its context in a paragraph, especially when the remainder of that same paragraph, beginning with the immediately following sentence, explicitly discloses that as the front and back panels become saturated, they become less effective at absorbing moisture from the center section, and that when the front and back panels are replaced, the ability to absorb moisture from the center section is restored. Taken properly, *i.e.*, taken in context, the referenced sentence coherently introduces the subject with which the paragraph as a whole is concerned, namely that the front and back panels, which are explicitly identified as absorbent core components, are replaced while the center section remains in place.

Similarly, the recitation on page 17 at lines 11-14 that each of the discrete components of a multi-piece absorbent core may have "distinct fluid acquisition, acquisition/distribution, or

Submission dated 5 February 2004

Submitted with Request for Continued Examination

storage/redistribution characteristics" clearly and unequivocally discloses the inventors' concept of capitalizing on the explicitly disclosed advantage that discrete components having significantly and usefully different characteristics can be brought together to form a multi-piece absorbent core structure having a wide range of capabilities built into it. Then, as explicitly disclosed, when particular components, rather than all of the components, are made removable and replaceable, the stated benefits of prolonging the use of the absorbent article "while continuing to draw moisture away from the wearer's skin" can be provided. In particular, the front and back panels are explicitly disclosed to have distinct characteristics and to be removable and replaceable absorbent core components.

Summary of This Submission

In light of the above amendments and remarks, it is requested that the objections and claim rejections be reconsidered and withdrawn and that the pending claims be allowed. The issuance of a Notice of Allowance prior to the upcoming seven year anniversary of the filing date on 27 March 2004 is respectfully requested.

Respectfully submitted,

FOR: Gary Dean LaVon *et al.*By: Michael P. Hayden

Michael P. Hayden

Registration No. 48,433

Phone: (513) 626-5800

Fax: (513) 626-3499 or 3004

5 February 2004

Customer No. 27752